

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 3:01CR5
(BROADWATER)**

KAREN C. HAIRSTON,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND REVOKING
SUPERVISED RELEASE**

On June 15, 2005, the probation officer supervising Defendant, Karen D. Hairston, filed a petition to revoke Defendant's supervised release on the basis that Defendant violated two conditions of supervised release by testing positive for cocaine and failing to report to the Probation Office within the first 5 days of June, 2005. On August 17, 2005, Magistrate Judge David J. Joel conducted a preliminary hearing on the petition. Magistrate Judge Joel issued a written Report on August 18, 2005, recommending that: (1) Defendant's supervised release be revoked; (2) Defendant serve a four (4) month term of incarceration; (3) Defendant's term of supervised release be terminated after her release from custody, and (4) Defendant be given credit for time served since her incarceration on August 12, 2005.

Magistrate Judge Joel's Report and Recommendation informed the parties that they could file written objections within 10 days of service, and warned that a failure to file objections would waive the party's appellate rights should this Court adopt the Magistrate Judge's recommendations. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985).

Neither party has filed objections to the Report and Recommendation.

The Court has reviewed the matters before it, agrees with the Magistrate Judge's recommendation, and hereby **REVOKES** Defendant's supervised release. Defendant shall serve a four month term of incarceration in the custody of the Bureau of Prisons. After the discharge of that period of incarceration, the defendant shall not be placed on supervised release, pursuant to 18 U.S.C. § 3583(e). The defendant shall remain in the custody of the United States Marshal's Service until she receives her designation from the Bureau of Prisons. Defendant shall receive credit toward her four (4) month sentence for all time spent in federal custody after the date of her arrest on the warrant issued pursuant to the current revocation petition.

A Judgment and Commitment Order shall issue.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the defendant, all counsel of record herein, and the appropriate agencies.

DATED this 8th day of September, 2005.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE